

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

Misc Action No.: _____

25 MC 24

RE: U.S. District Court for Southern District of Iowa

Case Number 3:22-cv-00015-SMR-HCA

Nuhn Industries Ltd.,

v.

Bazooka-Farmstar, LLC. _____



**NOTICE OF MOTION BY NON-PARTY ROBERT BRUNET
TO QUASH SUBPOENA**

PLEASE TAKE NOTICE that upon the accompanying Motion, supporting Memorandum of Law, Declaration of Michael P. Kella, Esq., dated June 3, 2025, and Exhibits thereto, non-party Robert Brunet seeks an Order from this Court quash the subpoena served upon him by Bazooka Farmstar, LLC pursuant for lack of personal jurisdiction to enforce and pursuant to Fed. R. Civ. P. 45.

PLEASE TAKE FURTHER NOTICE Robert Brunet provides further notice that he intends to file and serve reply papers if warranted.

Return Date: _____

Dated: June 4, 2025

Respectfully submitted,

s/ William G. Bauer
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Pursuant to Fed. R. Civ. P. 45(d)(3), Robert Brunet moves to quash, or in the alternative modify, Bazooka Farmstar, Inc.'s subpoena for deposition served upon him ("the Brunet Subpoena"). For the reasons set forth in the accompanying Memorandum of Law, the Court must quash or modify the subpoena because Bazooka cannot meet its burden to show personal jurisdiction to enforce the Brunet Subpoena. Further, the Brunet Subpoena imposes an undue burden by seeking an unbounded deposition of Mr. Brunet—Nuhn Industries, Ltd.'s patent agent and Canadian citizen—in the United States under Rule 45 when his deposition is already slated to go forward in Canada by terms mutually agreed by the parties, pursuant to a Consent Order filed with the Superior Court of Justice of Ontario. The testimony that Bazooka seeks from Mr. Brunet in the U.S. is thus readily available in Canada. There is no need for Bazooka's broad Rule 45 subpoena, which is a wasteful attempt to harass Mr. Brunet in the United States and likely delve into privileged, confidential, and other irrelevant matters.

Dated: June 4, 2025

Respectfully submitted,

s/ William G. Bauer

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